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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

In the Matter of the Application
regarding the Conversion and
Acquisition of Control of Premera Blue
Cross and its Affiliates.

No. G 02-45

PREMERA'S AMENDED FIRST SET
OF REQUESTS FOR PRODUCTION
OF DOCUMENTS TO THE HOSPITAL
ASSOCIATIONS

TO: The Hospital Associations, an Intervenor Group herein

AND TO: Its lead attorneys, Michael Madden and Bennett Bigelow &
Leedom, P.S.

PREMERA and Premera Blue Cross ("Premera") hereby propound the following
Requests for Production of Documents to the Hospital Associations, an Intervenor Group
herein.

The requested documents should be produced for inspection and copying within 30
days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth
Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be
determined by agreement with counsel. You should respond to each discovery request in
accordance with the instructions and definitions set forth below. The requests for
production of documents are continuing in nature within the meaning of CR 26.

INSTRUCTIONS

A. If any document is withheld from production on the ground that its
production is privileged due to the attorney-client privilege, work-product rule, or other
legally recognized privilege preventing its disclosure to a requesting party, please state
separately for each such document: (1) the applicable privilege pursuant to which You
PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 1

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter); (4) the full name, job title, and employer for each author of the document; (5) the full name, job title, and employer of each addressee and named recipient of the document; (6) the full name, job title, and employer of each person who, to Your knowledge, has seen the document; and (7) in general, the substance of the document.

B. In responding to these requests for production, You should provide all documents that are available to You, including all documents that may be in the possession of any person for whom You have authority to act in this proceeding, as well as of Your agents, attorneys, or other persons who are acting under Your direction or on Your behalf or are otherwise subject to Your control.

C. In responding to these requests for production, You should make a diligent search of Your records and of other papers and materials in Your possession or available to You. Likewise, You should make a diligent search of the records, papers, and materials in the possession of any person on behalf of whom You claim to have authority to act in this proceeding.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms and phrases will be defined and used herein as follows:

1. The terms "You" and "Your" mean and include the Hospital Associations, an Intervenor Group herein, the component organizations thereof (the Washington State Hospital Association ("WSHA") and the Association of Washington Public Hospital Districts ("AWPHD")), the member organizations of those component organizations and their respective staffs, employees, consultants, attorneys, experts, agents, investigators, officers and directors.

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 2

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FACSIMILE (206) 623-7022

1 2. The terms "the Conversion Application" and the term "the Conversion
2 Hearing" refer to the matter pending before the Washington State Office of the Insurance
3 Commissioner, denominated "In the Matter of the Application for Conversion of Premera
4 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion
5 Forums" refer to the public hearings that the Insurance Commissioner has planned for
6 December 2003.

7 3. The term "Intervenor" means any of the petitioning intervenors identified
8 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance
9 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified
10 in said Order.

11 4. The terms "person" and "persons" mean and include all individuals and all
12 entities of any description, including but not limited to all associations, companies, sole
13 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,
14 and parents, as well as all individuals employed or retained by any of the foregoing.

15 5. The terms "document" and "documents" mean and include any kind of
16 written, typewritten, or printed material whatsoever, any kind of graphic material, and any
17 computer readable media including, but not limited to, e-mails, papers, agreements,
18 contracts, notes, applications, memoranda, correspondence, studies, working papers,
19 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,
20 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and
21 printed cards, data sheets, data processing cards, personal calendars, interoffice
22 memoranda, minutes and records of any sorts of meetings, financial statements, financial
23 calculations, estimates, reports of telephone or other oral conversations, appointment
24 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings
25 of every kind, however produced or reproduced, whether signed or unsigned. The terms

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 3

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7021


1 "document" and "documents" include, but without limitation, originals and all file copies
2 and other copies that are not identical to the original no matter how or by whom prepared,
3 and all drafts prepared in connection with any documents, whether used or not. If the
4 original of any document is not in Your possession, custody or control, a copy of that
5 document should be produced.

6 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,
7 describing, reflecting, or referring to in any way.

8 7. The singular shall include the plural, the use of the masculine gender shall
9 include the feminine gender, and vice versa, whenever the context reasonably allows or
10 requires such construction. "And" and "or" mean "and/or" whenever the context
11 reasonably allows such construction.

12 DATED this 21st day of October, 2003.

13 PRESTON GATES & ELLIS LLP

14
15 By 
16 Thomas E. Kelly, Jr., WSBA # 05690
17 Robert B. Mitchell, WSBA # 10874
18 Attorneys for PREMERA and
Premera Blue Cross

19 **REQUESTS FOR PRODUCTION**

20 **REQUEST FOR PRODUCTION NO. 1:**

21 For each person whom You expect to call to testify as a consultant or as an expert
22 witness, for whom You will be submitting pre-filed testimony, or whose opinions you
23 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion
24 Forums or for Your position regarding the Conversion Application (hereinafter, an
25 "Expert" or "Your Expert(s)"), please produce (a) a current resume or curriculum vitae,
PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 4

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SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 (b) a copy of all engagement letters or memoranda regarding the Expert's engagement; (c)
2 a statement of the compensation paid and to be paid to the Expert or his company; (d) all
3 publications authored by the Expert from January 1, 1990 to the date of response to this
4 Request (hereinafter, "to present"); (e) a list of all matters in which the Expert has, during
5 the time period from January 1, 1999 to present, either prepared an expert report or
6 testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition
7 or live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-
8 filed testimony, and declarations of the Expert from January 1, 1999 to present; and (g) a
9 copy of the transcripts of all depositions and testimony of the Expert from January 1, 1999
10 to present.

11 RESPONSE:

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15 **REQUEST FOR PRODUCTION NO. 2:**

16 Please produce all final reports, surveys, memo or other papers prepared by, or
17 under the supervision of, each person whom You expect to call to testify as a consultant or
18 as an expert witness, for whom You will be submitting pre-filed testimony, or whose
19 opinions you otherwise intend to present or rely upon for the Conversion Hearing or the
20 Conversion Forums or for Your position regarding the Conversion Application.

21 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 5

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7622

1 **REQUEST FOR PRODUCTION NO. 3:**

2 Please produce (a) the resumes of each person whom you expect to call as a non-expert
3 witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all notes,
4 drafts or other documents prepared by each such Non-expert Witness constituting,
5 regarding or related to Your position or his/her position regarding the Conversion
6 Application; and (c) each document that each such Non-expert Witness is expected to
7 discuss in his/her testimony at the Conversion Hearing.

8 **RESPONSE:**

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12 **REQUEST FOR PRODUCTION NO. 4:**

13 Please produce (a) all drafts of all reports, surveys, memos or other papers
14 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion
15 Hearing or the Conversion Forums or for Your position regarding the Conversion
16 Application; (b) all correspondence, emails, documents or other communication to and
17 from You and each such Expert regarding the Conversion Application or the Conversion
18 Hearing or the Conversion Forums, or the drafting or preparation of any such report
19 surveys, memos or other papers; (c) all correspondence, emails, documents or other
20 communications within the WSHA regarding the Conversion Application or the
21 Conversion Hearing or the Conversion Forums; (d) all correspondence, emails, documents
22 or other communications within the AWPFD regarding the Conversion Application or the
23 Conversion Hearing or the Conversion Forums; (e) all correspondence, emails, documents
24 or other communications sent by the WSHA or by the AWPFD to its/their members and
25 any correspondence, emails, documents or other communications sent to either or both of
PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 6

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PRESTON GATES & ELLIS LLP
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SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 them by their respective members regarding the Conversion Application or the
2 Conversion Hearing or the Conversion Forums; and (e) any other documents of any other
3 documents regarding or related to the Conversion Application or the Conversion Hearing
4 or the Conversion Forums.

5 RESPONSE:

9 REQUEST FOR PRODUCTION NO. 5:

10 Please produce all correspondence, emails, documents or other communication to
11 and from You and: (a) any of the officers, directors, employees, agents or lobbyists of the
12 Intervenors or of the other Intervenor Groups, or any of the attorneys for any of the
13 Intervenors or the other Intervenor Groups, or any of the consultants or experts for any of
14 the Intervenors or the other Intervenor Groups or their attorneys; (b) anyone on the OIC
15 Staff or any of the OIC Staff's consultants, or (c) anyone on the State of Alaska Division
16 of Insurance staff or any of that staff's consultants.

17 This request includes, but is not limited to, any correspondence, emails, documents
18 or other communications between any officer, director, employee, attorney, agent or
19 lobbyist of the Washington State Medical Association and any officer, director, employee,
20 attorney, agent or lobbyist of the WSHA or of the AWPHD. It also includes any such
21 correspondence, emails, documents or other communications between or among any
22 officer, director, employee, attorney, agent or lobbyist of the WSHA and any officer,
23 director, employee, attorney, agent or lobbyist of the AWPHD.

24 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 7

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925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7922

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3 **REQUEST FOR PRODUCTION NO. 6:**

4 As set forth in the Commissioner's Fourth Order, the Hospital Associations were
5 to "represent their interests surrounding the problem of uncompensated care its members
6 are obligated to cover when insurance is not available."

7 Please produce all documents -- other than those produced by Premera to the OIC
8 Staff -- in Your possession or under Your control that constitute, reflect or refer to "the
9 problem of uncompensated care your members are obligated to cover when insurance is
10 not available."

11 The documents to be produced should include, but not be limited to, all those
12 regarding the future problem of uncompensated care, whether or not Premera is authorized
13 to convert (e.g., comparisons of the future amounts of uncompensated care under
14 conversion and non-conversion scenarios).

15 **RESPONSE:**
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19 **REQUEST FOR PRODUCTION NO. 7:**

20 Please produce all documents -- other than those produced by Premera to the OIC
21 Staff -- in Your possession or under Your control that constitute, reflect or refer to any
22 data, from January 1, 1999 to present, as to (1) the amount of uncompensated care that one
23 or more hospitals were obligated to cover when insurance was not available and (2) the
24 amount of the reserves that any hospital booked in regard to any uncompensated care.

25 **RESPONSE:**

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 8

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

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3 **REQUEST FOR PRODUCTION NO. 8:**

4 Please produce all documents -- other than those produced by Premera to the OIC
5 Staff -- in Your possession or under Your control that constitute, reflect or refer to any
6 data, from January 1, 1999 to present, for each of the hospitals that are members of the
7 WSHA or of the AWPFD regarding each hospital's: (1) revenues; (2) operating income;
8 (3) operating margin; and (4) amounts attributed to uncompensated care that the hospital
9 was obligated to cover when insurance is not available.

10 The documents to be produced should include, but not be limited to, the following
11 for each hospital: (1) annual budget; (2) annual audited financial statements; (3) reports
12 from the hospital's certified public accountants; (4) reports from the hospital's internal
13 auditor; (5) reports, memos, emails or other communications to the hospital's Board of
14 Directors or Trustees and/or to its Audit Committee; (6) the minutes and board books of
15 the hospital's Board of Directors or Trustees; (7) all memos, emails and other documents
16 to and from its executives; and (8) all documents regarding the tax treatment by the
17 hospital of any amounts attributed to uncompensated care.

18 **RESPONSE:**
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21 **REQUEST FOR PRODUCTION NO. 9:**
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23 Please produce all documents -- other than those produced by Premera to the OIC
24 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from
25 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 9

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other document, data or information prepared by or provided to any of Your members, officers, directors, employees, attorneys, agents, or lobbyists, regarding the response to, or plan regarding, or reaction to: (a) Premera's conversion from a non-profit to a for-profit company or (b) the amount of uncompensated care that one or more hospitals would be obligated to cover when insurance was not available, if Premera converts from a non-profit to a for-profit company.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents -- other than those produced by Premera to the OIC Staff -- in Your possession or under Your control that constitute, reflect or refer to, from January 1, 1999 to present, any correspondence, email, memo, study, report, survey, spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other document, data or information prepared by or provided to any of Your members, officers, directors, employees, attorneys, agents, or lobbyists, regarding: (a) any claim or allegation regarding Premera having any market power¹ in regard to charging above-competitive premiums to its insured in (i) the State of Washington or any county therein and/or (ii) Eastern Washington (east of the Cascade Mountains) or in any county in Eastern Washington and/or (iii) Western Washington (west of the Cascade Mountains) or in any county in Western Washington; (b) any claim or allegation regarding Regence Blue Shield

¹ For purpose of this Document Request, "market power" is defined as the ability to control prices and exclude competition.

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 10

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
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SEATTLE, WASHINGTON 98104-1158
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FACSIMILE: (206) 623-7022

1 having any market power in regard to profitably charging above-competitive premiums to
2 its insured in (i) Washington or any county therein and/or (ii) Eastern Washington or in
3 any county therein an/or (iii) Western Washington or any county therein; (c) any claim or
4 allegation regarding Premera having any market power in regard to profitably offering
5 below-competitive reimbursements to its health care providers in (i) Washington or any
6 county therein and/or (ii) Eastern Washington or any county therein and/or (iii) Western
7 Washington or any county therein; (d) any claim or allegation regarding Regence Blue
8 Shield having any market power in regard to profitably offering below-competitive
9 reimbursements to its health care providers in (i) Washington or any county therein and/or
10 (ii) Eastern Washington or in any county therein an/or (iii) Western Washington or any
11 county therein; (e) any hospital(s) in Eastern Washington or in any county in Eastern
12 Washington having any market power in regard to profitably obtaining above-competitive
13 reimbursements from health care insurers; or (f) any physician(s) or physician group(s) in
14 (i) Washington or any county therein and/or (ii) Eastern Washington or in any county
15 therein an/or (iii) Western Washington or any county therein having any market power in
16 regard to profitably obtaining above-competitive reimbursements from health care
17 insurers.

18 RESPONSE:

22 REQUEST FOR PRODUCTION NO. 11:

23 For the period January 1, 1999 to present, and for each hospital that is a member of
24 the WSHA or AWPFD, please produce all contracts between each hospitals and the
25 carrier(s) with which it has or had a contract.

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 11

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7027

1 RESPONSE:

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4 RESPONSES DATED this ____ day of November, 2003.

5
6 Bennett Bigelow & Leedom, P.S.

7
8 By: _____
9 Michael Madden, WSBA No. _____
10 Lead Attorneys for the Hospital Associations, an
11 Intervenor Group herein

12 ATTORNEY CERTIFICATION

13 The undersigned attorney for the Hospital Associations has read the foregoing
14 Document Requests and the Hospital Associations' Responses thereto, and hereby
15 certifies that each of the Responses are in compliance with CR 26(g).

16 DATED this ____ day of November, 2003.

17 Bennett Bigelow & Leedom, P.S.

18
19
20 By: _____
21 Michael Madden, WSBA No. _____
22 Lead Attorneys for the Hospital Associations

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PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE HOSPITAL ASSOCIATIONS - 12

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925 FOURTH AVENUE
SUITE 2900
SEATTLE WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7023

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I am a representative of the Hospital Associations, an Intervenor Group herein, and have been authorized by it to sign this Verification Declaration. I have read the foregoing Requests for Production and the Hospital Associations' Responses thereto, know the contents thereof, and state that those Responses are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

[Print name] _____
[Title] _____
Authorized Representative of the Hospital
Associations

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

In the Matter of the Application
Regarding the Conversion and
Acquisition of Control of Premera Blue
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO THE HOSPITAL ASSOCIATIONS**

2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:	Service Perfected By:
Carol Sureau Deputy Insurance Commissioner Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 P.O. Box 40255 Olympia, WA 98504-0255 (Original & 4 plus 1 Electronic by E-Mail)	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
John F. Hamje Legal Affairs Division Office of the Insurance Commissioner	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 1

1 **Service To:**

Service Perfected By:

2 5000 Capitol Boulevard
3 Tumwater, WA 98501

☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

4 P.O. Box 40255
Olympia, WA 98504-0255

5 Melanie C. deLeon
6 Assistant Attorney General
7 Office of the Attorney General
8 1125 Washington Street S.E.
9 P.O. Box 40100
10 Olympia, WA 98504-0100

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

11 Amy McCullough
12 James Davis
13 Alaska Legal Services
14 Corporation
15 1016 West 6th Avenue, Ste. 200
16 Anchorage, AK 99501

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

17 Mr. Richard E. Spoonemore
18 Sirianni Youtz Meier & Spoonemore
19 1100 Millennium Tower
20 719 Second Av., Suite 1100
21 Seattle, WA 98104

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

22 Eleanor Hamburger
23 John Midgley
24 Columbia Legal Services
25 101 Yesler Way, Suite 300
Seattle, WA 98104

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

26 Michael Madden
27 Michael S. Shachat
28 Bennett Bigelow & Leedom, P.S.
29 1700 Seventh Avenue, Suite 1900
30 Seattle, WA 98101
31 **ORIGINAL & COPY**

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

32 Jeff Coopersmith
33 Coopersmith Health Law Group
34 1325 Fourth Avenue, Suite 1740

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service

CERTIFICATE OF SERVICE - 2

1 **Service To:**

Service Perfected By:

2 Seattle, WA 98101

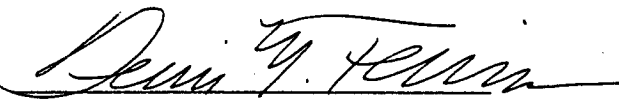
☐ By Hand Delivery

☒ By Facsimile

☐ By E-Mail

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5 I certify under penalty of perjury under the laws of the State of Washington that
6 the foregoing is true and correct.

7 DATED this Tuesday, October 21, 2003.

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10 Dennis M. Tessier

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CERTIFICATE OF SERVICE - 3

PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

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3 BEFORE THE INSURANCE COMMISSIONER
4 OF THE STATE OF WASHINGTON

5 In the Matter of the Application
6 regarding the Conversion and
7 Acquisition of Control of Premera Blue
8 Cross and its Affiliates.

No. G 02-45

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**PREMERA'S AMENDED FIRST SET
OF REQUESTS FOR PRODUCTION
OF DOCUMENTS TO THE ALASKA
INTERVENORS**

TO: The Alaska Intervenors, an Intervenor Group herein

AND TO: Its lead attorneys, Amy McCullough and Alaska Legal Services
Corporation

PREMERA and Premera Blue Cross ("Premera") hereby propound the following
Requests for Production of Documents to the Alaska Intervenors, an Intervenor Group
herein.

The requested documents should be produced for inspection and copying within 30
days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth
Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be
determined by agreement with counsel. You should respond to each discovery request in
accordance with the instructions and definitions set forth below. The requests for
production of documents are continuing in nature within the meaning of CR 26.

INSTRUCTIONS

A. If any document is withheld from production on the ground that its
production is privileged due to the attorney-client privilege, work-product rule, or other
legally recognized privilege preventing its disclosure to a requesting party, please state

PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 1

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 separately for each such document: (1) the applicable privilege pursuant to which You
2 claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);
3 (4) the full name, job title, and employer for each author of the document; (5) the full
4 name, job title, and employer of each addressee and named recipient of the document; (6)
5 the full name, job title, and employer of each person who, to Your knowledge, has seen
6 the document; and (7) in general, the substance of the document.

7 B. In responding to these requests for production, You should provide all
8 documents that are available to You, including all documents that may be in the
9 possession of any person for whom You have authority to act in this proceeding, as well
10 as of Your agents, attorneys, or other persons who are acting under Your direction or on
11 Your behalf or are otherwise subject to your control.

12 C. In responding to these requests for production, You should make a diligent
13 search of Your records and of other papers and materials in Your possession or available
14 to you. Likewise, You should make a diligent search of the records, papers, and materials
15 in the possession of any person on behalf of whom You claim to have authority to act in
16 this proceeding.

17 DEFINITIONS

18 Unless the context clearly indicates otherwise, the following terms and phrases
19 will be defined and used herein as follows:

20 1. The terms "You" and "Your" mean and include the Alaska Intervenors, an
21 Intervenor Group designated by the Insurance Commissioner, and the component
22 organizations, institution and individuals thereof and their respective staffs, employees,
23 consultants, attorneys, experts, agents, investigators, officers and directors.

24 2. The terms "the Conversion Application" and the term "the Conversion
25 Hearing" refer to the matter pending before the Washington State Office of the Insurance
PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 2

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 Commissioner, denominated "In the Matter of the Application for Conversion of Premera
2 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion
3 Forums" refer to the public hearings that the Insurance Commissioner has planned for
4 December 2003.

5 3. The term "Intervenor" means any of the petitioning intervenors identified
6 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance
7 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified
8 in said Order.

9 4. The terms "person" and "persons" mean and include all individuals and all
10 entities of any description, including but not limited to all associations, companies, sole
11 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,
12 and parents, as well as all individuals employed or retained by any of the foregoing.

13 5. The terms "document" and "documents" mean and include any kind of
14 written, typewritten, or printed material whatsoever, any kind of graphic material, and any
15 computer readable media including, but not limited to, e-mails, papers, agreements,
16 contracts, notes, applications, memoranda, correspondence, studies, working papers,
17 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,
18 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and
19 printed cards, data sheets, data processing cards, personal calendars, interoffice
20 memoranda, minutes and records of any sorts of meetings, financial statements, financial
21 calculations, estimates, reports of telephone or other oral conversations, appointment
22 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings
23 of every kind, however produced or reproduced, whether signed or unsigned. The terms
24 "document" and "documents" include, but without limitation, originals and all file copies
25 and other copies that are not identical to the original no matter how or by whom prepared,

PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 3

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7027

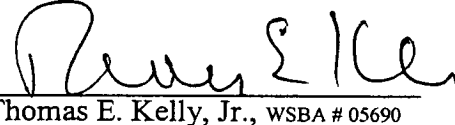
1 and all drafts prepared in connection with any documents, whether used or not. If the
2 original of any document is not in Your possession, custody or control, a copy of that
3 document should be produced.

4 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,
5 describing, reflecting, or referring to in any way.

6 7. The singular shall include the plural, the use of the masculine gender shall
7 include the feminine gender, and vice versa, whenever the context reasonably allows or
8 requires such construction. "And" and "or" mean "and/or" whenever the context
9 reasonably allows such construction.

10 DATED this 21st day of October, 2003.

11
12 PRESTON GATES & ELLIS LLP

13 By 
14 Thomas E. Kelly, Jr., WSBA # 05690
15 Robert B. Mitchell, WSBA # 10874
16 Attorneys for PREMERA and
Premera Blue Cross

17 **REQUESTS FOR PRODUCTION**

18
19 **REQUEST FOR PRODUCTION NO. 1:**

20 For each person person whom You expect to call to testify as a consultant or as an
21 expert witness, for whom You will be submitting pre-filed testimony, or whose opinions
22 You otherwise intend to present or rely upon for the Conversion Hearing or the
23 Conversion Forums or for Your position regarding the Conversion Application
24 (hereinafter, an "Expert" or "Your Expert(s)"), please produce (a) a current resume or
25 curriculum vitae, (b) a copy of all engagement letters or memoranda regarding the

PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 4

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 Expert's engagement; (c) a statement of the compensation paid and to be paid to the
2 Expert or his/her company; (d) all publications authored by the Expert from January 1,
3 1990 to the date of response to this Request (hereinafter, "to present"); (e) a list of all
4 matters in which the Expert has, during the time period from January 1, 1999 to present,
5 either prepared an expert report or testified as an expert (i.e., testified by way of
6 declaration, pre-filed testimony, deposition or live testimony, at any hearing, trial or other
7 proceeding); (f) a copy of all reports, pre-filed testimony, and declarations of the Expert
8 from January 1, 1999 to present; and (g) a copy of the transcripts of all depositions and
9 testimony of the Expert from January 1, 1999 to present.

10 RESPONSE:

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12
13
14 REQUEST FOR PRODUCTION NO. 2:

15 Please produce all final reports, surveys, memo or other papers prepared by, or
16 under the supervision of, each person whom You expect to call to testify as a consultant or
17 as an expert witness, for whom You will be submitting pre-filed testimony, or whose
18 opinions You otherwise intend to present or rely upon for the Conversion Hearing or the
19 Conversion Forums or for Your position regarding the Conversion Application.

20 RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 3:**

2 Please produce (a) the resumes of each person whom you expect to call as a non-
3 expert witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all
4 notes, drafts or other documents prepared by each such Non-expert Witness constituting,
5 regarding or related to Your position or his/her position regarding the Conversion
6 Application and (c) each document that each such Non-expert Witness is expected to
7 discuss in his/her testimony at the Conversion Hearing.

8 **RESPONSE:**
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11

12 **REQUEST FOR PRODUCTION NO. 4:**

13 Please produce (a) all drafts of all reports, surveys, memos or other papers
14 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion
15 Hearing or the Conversion Forums or for Your position regarding the Conversion
16 Application; (b) all correspondence, emails, documents or other communication to and
17 from You and each such Expert regarding the Conversion Application or the Conversion
18 Hearing or the Conversion Forums, or the drafting or preparation of any such report
19 surveys, memos or other papers; and (c) any other documents of any other documents
20 regarding or related to the Conversion Application or the Conversion Hearing or the
21 Conversion Forums.

22 **RESPONSE:**
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PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 6

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7021

1 **REQUEST FOR PRODUCTION NO. 5:**

2 Please produce all correspondence, emails, documents or other communication
3 regarding or relating to the Conversion Application or the Conversion Hearing or the
4 Conversion Forums to and from You and: (a) any of the Intervenors, or any of the other
5 Intervenor Groups, or any of the attorneys for any of the Intervenors or the other
6 Intervenor Groups, or any of the consultants or experts for any of the Intervenors or the
7 other Intervenor Groups or their attorneys; (b) any one on the OIC Staff, or (c) any one on
8 the State of Alaska Division of Insurance staff.

9 **RESPONSE:**

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12 **REQUEST FOR PRODUCTION NO. 6 :**

13 As set forth in the Commissioner's Fourth Order, the Alaska Intervenors were to
14 "present information about the effects on the Alaska health insurance market that may be
15 relevant to the Washington Insurance Commissioner's review and that will not be
16 provided by another party."

17 Please produce all documents -- other than those produced by Premera to the OIC
18 Staff or the Alaska Division of Insurance -- in Your possession or under Your control that
19 constitute, reflect or refer to "the effects on the Alaska health insurance market that may
20 be relevant to the Washington Insurance Commissioner's review."

21 The documents to be produced should include, but not be limited to, all those
22 regarding the future of the Alaska health insurance market, whether or not Premera is
23 authorized to convert (e.g., if Premera converts to a for-profit company or if it does not).
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PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 7

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 RESPONSE:

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PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 8

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925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1
2 RESPONSES DATED this ____ day of November, 2003.

3 ALASKA LEGAL SERVICE CORPORATION

4
5 By: _____
6 Amy McCullough
7 Lead Attorneys for the Alaska Intervenor, an
8 Intervenor Group herein

9 ATTORNEY CERTIFICATION

10 The undersigned attorney for the Intervenor Group, the Alaska Intervenor
11 ("Intervenor"), has read the foregoing Document Requests and the Intervenor's
12 Responses thereto, and hereby certifies that each of the Responses is in compliance with
13 CR 26(g).

14 DATED this ____ day of November, 2003.

15 ALASKA LEGAL SERVICE CORPORATION

16
17 By: _____
18 Amy McCullough
19 Lead Attorneys for the Alaska Intervenor, an
20 Intervenor Group herein

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PREMERA'S AMENDED FIRST SET REQUESTS
FOR PRODUCTION OF DOCUMENTS TO THE
ALASKA INTERVENORS - 9

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

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I am a representative of the Alaska Intervenor and have been authorized by them to sign this Verification Declaration. I have read the foregoing Requests for Production and the Intervenor's Answers and Responses thereto, know the contents thereof, and state that those Responses are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this ____ day of November, 2003, at Seattle, Washington.

[Print name] _____
[Title] _____
Authorized Representative of the Alaska
Intervenors

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

In the Matter of the Application
Regarding the Conversion and
Acquisition of Control of Premera Blue
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE ALASKA INTERVENORS**
2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:	Service Perfected By:
Carol Sureau Deputy Insurance Commissioner Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 P.O. Box 40255 Olympia, WA 98504-0255 (Original & 4 plus 1 Electronic by E-Mail)	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
John F. Hamje Legal Affairs Division Office of the Insurance Commissioner	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 1

Service To:	Service Perfected By:
5000 Capitol Boulevard Turnwater, WA 98501 P.O. Box 40255 Olympia, WA 98504-0255	<input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Melanie C. deLeon Assistant Attorney General Office of the Attorney General 1125 Washington Street S.E. P.O. Box 40100 Olympia, WA 98504-0100	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Amy McCullough James Davis Alaska Legal Services Corporation 1016 West 6 th Avenue, Ste. 200 Anchorage, AK 99501 ORIGINAL & COPY	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Mr. Richard E. Spoonemore Sirianni Youtz Meier & Spoonemore 1100 Millennium Tower 719 Second Av., Suite 1100 Seattle, WA 98104	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Eleanor Hamburger John Midgley Columbia Legal Services 101 Yesler Way, Suite 300 Seattle, WA 98104	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Michael Madden Michael S. Shachat Bennett Bigelow & Leedom, P.S. 1700 Seventh Avenue, Suite 1900 Seattle, WA 98101	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Jeff Coopersmith Coopersmith Health Law Group 1325 Fourth Avenue, Suite 1740	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 2

1 **Service To:**

Service Perfected By:

2 Seattle, WA 98101

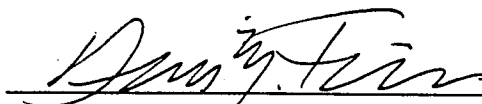
[] By Hand Delivery

3 [X] By Facsimile

[] By E-Mail

4
5 I certify under penalty of perjury under the laws of the State of Washington that
6 the foregoing is true and correct.

7 DATED this Tuesday, October 21, 2003.

8
9 

10 Dennis M. Tessier

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CERTIFICATE OF SERVICE - 3

PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1
2
3 BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

4 In the Matter of the Application
5 regarding the Conversion and
6 Acquisition of Control of Premera Blue
Cross and its Affiliates.

No. G 02-45

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**PREMERA'S AMENDED FIRST SET
OF REQUESTS FOR PRODUCTION
OF DOCUMENTS TO THE PREMERA
WATCH COALITION**

TO: The Premera Watch Coalition, an Intervenor Group herein

AND TO: Its lead attorneys, Eleanor Hamburger and Columbia Legal Services

PREMERA and Premera Blue Cross ("Premera") hereby propound the following
Requests for Production of Documents to the Premera Watch Coalition, an Intervenor
Group herein.

The requested documents should be produced for inspection and copying within 30
days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth
Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be
determined by agreement with counsel. You should respond to each discovery request in
accordance with the instructions and definitions set forth below. The requests for
production of documents are continuing in nature within the meaning of CR 26.

INSTRUCTIONS

A. If any document is withheld from production on the ground that its
production is privileged due to the attorney-client privilege, work-product rule, or other
legally recognized privilege preventing its disclosure to a requesting party, please state
separately for each such document: (1) the applicable privilege pursuant to which You
claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE PREMERA WATCH COALITION - 1

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 423-7580
FACSIMILE: (206) 673-7022

(4) the full name, job title, and employer for each author of the document; (5) the full name, job title, and employer of each addressee and named recipient of the document; (6) the full name, job title, and employer of each person who, to Your knowledge, has seen the document; and (7) in general, the substance of the document.

B. In responding to these requests for production, You should provide all documents that are available to You, including all documents that may be in the possession of any person for whom You have authority to act in this proceeding, as well as of Your agents, attorneys, or other persons who are acting under Your direction or on Your behalf or are otherwise subject to Your control.

C. In responding to these requests for production, You should make a diligent search of Your records and of other papers and materials in Your possession or available to you. Likewise, You should make a diligent search of the records, papers, and materials in the possession of any person on behalf of whom You claim to have authority to act in this proceeding.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms and phrases will be defined and used herein as follows:

1. The terms "You" and "Your" mean and include the Premera Watch Coalition, an Intervenor Group herein, and the member organizations thereof and their respective staffs, employees, consultants, attorneys, experts, agents, investigators, officers and directors.

2. The terms "the Conversion Application" and the term "the Conversion Hearing" refer to the matter pending before the Washington State Office of the Insurance Commissioner, denominated "In the Matter of the Application for Conversion of Premera Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE PREMERA WATCH COALITION - 2

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 Forums" refer to the public hearings that the Insurance Commissioner has planned for
2 December 2003.

3 3. The term "Intervenor" means any of the petitioning intervenors identified
4 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance
5 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified
6 in said Order.

7 4. The terms "person" and "persons" mean and include all individuals and all
8 entities of any description, including but not limited to all associations, companies, sole
9 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,
10 and parents, as well as all individuals employed or retained by any of the foregoing.

11 5. The terms "document" and "documents" mean and include any kind of
12 written, typewritten, or printed material whatsoever, any kind of graphic material, and any
13 computer readable media including, but not limited to, e-mails, papers, agreements,
14 contracts, notes, applications, memoranda, correspondence, studies, working papers,
15 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,
16 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and
17 printed cards, data sheets, data processing cards, personal calendars, interoffice
18 memoranda, minutes and records of any sorts of meetings, financial statements, financial
19 calculations, estimates, reports of telephone or other oral conversations, appointment
20 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings
21 of every kind, however produced or reproduced, whether signed or unsigned. The terms
22 "document" and "documents" include, but without limitation, originals and all file copies
23 and other copies that are not identical to the original no matter how or by whom prepared,
24 and all drafts prepared in connection with any documents, whether used or not. If the
25

PREMERA'S AMENDED FIRST SET OF
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TO THE PREMERA WATCH COALITION - 3

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
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SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7021


1 original of any document is not in Your possession, custody or control, a copy of that
2 document should be produced.

3 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,
4 describing, reflecting, or referring to in any way.

5 7. The singular shall include the plural, the use of the masculine gender shall
6 include the feminine gender, and vice versa, whenever the context reasonably allows or
7 requires such construction. "And" and "or" mean "and/or" whenever the context
8 reasonably allows such construction.

9 DATED this 21st day of October, 2003.

10 PRESTON GATES & ELLIS LLP

11
12 By 
13 Thomas E. Kelly, Jr., WSBA # 05690
14 Robert B. Mitchell, WSBA # 10874
15 Attorneys for PREMERA and
Premera Blue Cross

16 **REQUESTS FOR PRODUCTION**

17 **REQUEST FOR PRODUCTION NO. 1:**

18 For each person whom You expect to call to testify as a consultant or as an expert
19 witness, for whom You will be submitting pre-filed testimony, or whose opinions you
20 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion
21 Forums or for Your position regarding the Conversion Application (hereinafter, an
22 "Expert" or "Your Expert(s)"), please produce (a) a current resume or curriculum vitae,
23 (b) a copy of all engagement letters or memoranda regarding the Expert's engagement; (c)
24 a statement of the compensation paid and to be paid to the Expert or his company; (d) all
25 publications authored by the Expert from January 1, 1990 to the date of response to this

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE PREMERA WATCH COALITION - 4

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 Request (hereinafter, "to present"); (e) a list of all matters in which the Expert has, during
2 the time period from January 1, 1999 to present, either prepared an expert report or
3 testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition
4 or live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-
5 filed testimony, and declarations of the Expert from January 1, 1999 to present; and (g) a
6 copy of the transcripts of all depositions and testimony of the Expert from January 1, 1999
7 to present.

8 RESPONSE:
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12 REQUEST FOR PRODUCTION NO. 2:

13 Please produce all final reports, surveys, memo or other papers prepared by, or
14 under the supervision of, each person whom You expect to call to testify as a consultant or
15 as an expert witness, for whom You will be submitting pre-filed testimony, or whose
16 opinions you otherwise intend to present or rely upon for the Conversion Hearing or the
17 Conversion Forums or for Your position regarding the Conversion Application.

18 RESPONSE:
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22 REQUEST FOR PRODUCTION NO. 3:

23 Please produce (a) the resumes of each person whom you expect to call as a non-
24 expert witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all
25 notes, drafts or other documents prepared by each such Non-expert Witness constituting,

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE PREMERA WATCH COALITION - 5

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 regarding or related to Your position or his/her position regarding the Conversion
2 Application; and (c) each document that each such Non-expert Witness is expected to
3 discuss in his/her testimony at the Conversion Hearing.

4 RESPONSE:

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8 REQUEST FOR PRODUCTION NO. 4:

9 Please produce (a) all drafts of all reports, surveys, memos or other papers
10 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion
11 Hearing or the Conversion Hearing Forums or for Your position regarding the Conversion
12 Application; (b) all correspondence, emails, documents or other communication to and
13 from You and each such Expert regarding the Conversion Application or the Conversion
14 Hearing or the Conversion Forums or the drafting or preparation of any such report
15 surveys, memos or other papers; and (c) any other documents of any other documents
16 regarding or related to the Conversion Application or the Conversion Hearing or the
17 Conversion Forums.

18 RESPONSE:

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22 REQUEST FOR PRODUCTION NO. 5:

23 Please produce all correspondence, emails, documents or other communication
24 regarding or relating to the Conversion Application or the Conversion Hearing or the
25 Conversion Forums to and from You and: (a) any of the Intervenors, or any of the other

PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE PREMERA WATCH COALITION - 6

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 Intervenor Groups, or any of the attorneys for any of the Intervenor or the other
2 Intervenor Groups, or any of the consultants or experts for any of the Intervenor or the
3 other Intervenor Groups or their attorneys; (b) any one on the OIC Staff, or (c) any one on
4 the State of Alaska Division of Insurance staff.

5 RESPONSE:

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8 **REQUEST FOR PRODUCTION NO. 6:**

9 As set forth in the Commissioner's Fourth Order, Premera Watch Coalition was to
10 "provide expert opinion on the impact of the conversion on health care generally."

11 Please produce all documents -- other than those produced by Premera to the OIC
12 Staff -- in Your possession or under Your control that constitute, reflect or refer to "the
13 impact of Premera's proposed conversion on health care."

14 The documents to be produced should include, but not be limited to, all those
15 regarding the future of health care, whether or not Premera is authorized to convert (e.g.,
16 comparisons of future health care if Premera converts and if it does not).

17 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE PREMERA WATCH COALITION - 7

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 RESPONSES DATED this ____ day of November, 2003.

2 COLUMBIA LEGAL SERVICES

3
4 By: _____
5 Eli Hamburger, WSBA No. _____
6 Lead Attorneys for the Premera Watch Coalition, an
7 Intervenor Group herein

8 ATTORNEY CERTIFICATION

9 The undersigned attorney for the Premera Watch Coalition ("Coalition"), has read
10 the foregoing Document Requests and the Coalition's Responses thereto, and hereby
11 certifies that each of the Responses are in compliance with CR 26(g).

12 DATED this ____ day of November, 2003.

13 COLUMBIA LEGAL SERVICES

14
15 By: _____
16 Eli Hamburger, WSBA No. _____
17 Attorneys for the Premera Watch Coalition, an
18 Intervenor Group herein

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PREMERA'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE PREMERA WATCH COALITION - 8

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

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I am a representative of the Premera Watch Coalition and have been authorized by it to sign this Verification Declaration. I have read the foregoing Requests for Production and the Coalition's Responses thereto, know the contents thereof, and state that those Answers and Responses are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of November, 2003, at Seattle, Washington.

[Print name] _____
[Title] _____
Authorized Representative of the Premera Watch
Coalition

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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

In the Matter of the Application
Regarding the Conversion and
Acquisition of Control of Premera Blue
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE PREMERA WATCH COALITION**
2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:	Service Perfected By:
Carol Sureau Deputy Insurance Commissioner Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 P.O. Box 40255 Olympia, WA 98504-0255 (Original & 4 plus 1 Electronic by E-Mail)	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
John F. Hamje Legal Affairs Division Office of the Insurance Commissioner	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 1

Service To:**Service Perfected By:**

5000 Capitol Boulevard
Tumwater, WA 98501

☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

P.O. Box 40255
Olympia, WA 98504-0255

Melanie C. deLeon
Assistant Attorney General
Office of the Attorney General
1125 Washington Street S.E.
P.O. Box 40100
Olympia, WA 98504-0100

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

Amy McCullough
James Davis
Alaska Legal Services
Corporation
1016 West 6th Avenue, Ste. 200
Anchorage, AK 99501

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

Mr. Richard E. Spoonemore
Siriani Youtz Meier & Spoonemore
1100 Millennium Tower
719 Second Av., Suite 1100
Seattle, WA 98104

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

Eleanor Hamburger
John Midgley
Columbia Legal Services
101 Yesler Way, Suite 300
Seattle, WA 98104

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

ORIGINAL & COPY

Michael Madden
Michael S. Shachat
Bennett Bigelow & Leedom, P.S.
1700 Seventh Avenue, Suite 1900
Seattle, WA 98101

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

Jeff Coopersmith
Coopersmith Health Law Group
1325 Fourth Avenue, Suite 1740

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service

CERTIFICATE OF SERVICE - 2

1 **Service To:**

Service Perfected By:

2 Seattle, WA 98101

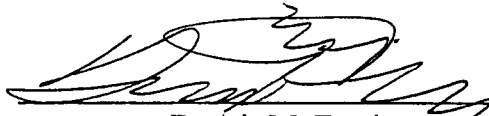
[] By Hand Delivery

[X] By Facsimile

[] By E-Mail

3
4
5 I certify under penalty of perjury under the laws of the State of Washington that
6 the foregoing is true and correct.

7 DATED this Tuesday, October 21, 2003.

8
9 
10 Dennis M. Tessier

11
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CERTIFICATE OF SERVICE - 3

PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1
2
3 BEFORE THE INSURANCE COMMISSIONER
4 OF THE STATE OF WASHINGTON

5 In the Matter of the Application
6 regarding the Conversion and
7 Acquisition of Control of Premera Blue
8 Cross and its Affiliates.

No. G 02-45

PREMERA'S AMENDED FIRST SET
OF DOCUMENT REQUESTS TO THE
WASHINGTON STATE MEDICAL
ASSOCIATION

9 TO: The Washington State Medical Association, an Intervenor Group
10 herein

11 AND TO: Its lead attorneys, Jeffrey Coopersmith and Coopersmith Health
12 Law Group

13 PREMERA and Premera Blue Cross ("Premera") hereby propound the following
14 Requests for Production of Documents to the Washington State Medical Association, an
15 Intervenor Group herein.

16 The requested documents should be produced for inspection and copying within 30
17 days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth
18 Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be
19 determined by agreement with counsel. You should respond to each discovery request in
20 accordance with the instructions and definitions set forth below. The requests for
21 production of documents are continuing in nature within the meaning of CR 26.

22 INSTRUCTIONS

23 A. If any document is withheld from production on the ground that its
24 production is privileged due to the attorney-client privilege, work-product rule, or other

25 PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 1

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 legally recognized privilege preventing its disclosure to a requesting party, please state
2 separately for each such document: (1) the applicable privilege pursuant to which You
3 claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);
4 (4) the full name, job title, and employer for each author of the document; (5) the full
5 name, job title, and employer of each addressee and named recipient of the document; (6)
6 the full name, job title, and employer of each person who, to Your knowledge, has seen
7 the document; and (7) in general, the substance of the document.

8 B. In responding to these requests for production, You should provide all
9 documents that are available to You, including all documents that may be in the
10 possession of any person for whom You have authority to act in this proceeding, as well
11 as of Your agents, attorneys, or other persons who are acting under Your direction or on
12 Your behalf or are otherwise subject to Your control.

13 C. In responding to these requests for production, You should make a diligent
14 search of Your records and of other papers and materials in Your possession or available
15 to You. Likewise, You should make a diligent search of the records, papers, and materials
16 in the possession of any person on behalf of whom You claim to have authority to act in
17 this proceeding.

18 DEFINITIONS

19 Unless the context clearly indicates otherwise, the following terms and phrases
20 will be defined and used herein as follows:

21 1. The terms "You" and "Your" mean and include the Washington State
22 Medical Association, an Intervenor Group herein, and the members thereof and the
23 respective staffs, employees, consultants, attorneys, experts, agents, investigators, officers
24 and directors of the Washington State Medical Association and of its constituent
25 members.

PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 2

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 2. The terms "the Conversion Application" and the term "the Conversion
2 Hearing" refer to the matter pending before the Washington State Office of the Insurance
3 Commissioner, denominated "In the Matter of the Application for Conversion of Premera
4 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion
5 Forums" refer to the public hearings that the Insurance Commissioner has planned for
6 December 2003.

7 3. The term "Intervenor" means any of the petitioning intervenors identified
8 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance
9 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified
10 in said Order.

11 4. The terms "person" and "persons" mean and include all individuals and all
12 entities of any description, including but not limited to all associations, companies, sole
13 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,
14 and parents, as well as all individuals employed or retained by any of the foregoing.

15 5. The terms "document" and "documents" mean and include any kind of
16 written, typewritten, or printed material whatsoever, any kind of graphic material, and any
17 computer readable media including, but not limited to, e-mails, papers, agreements,
18 contracts, notes, applications, memoranda, correspondence, studies, working papers,
19 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,
20 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and
21 printed cards, data sheets, data processing cards, personal calendars, interoffice
22 memoranda, minutes and records of any sorts of meetings, financial statements, financial
23 calculations, estimates, reports of telephone or other oral conversations, appointment
24 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings
25 of every kind, however produced or reproduced, whether signed or unsigned. The terms

PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 3

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022


1 "document" and "documents" include, but without limitation, originals and all file copies
2 and other copies that are not identical to the original no matter how or by whom prepared,
3 and all drafts prepared in connection with any documents, whether used or not. If the
4 original of any document is not in Your possession, custody or control, a copy of that
5 document should be produced.

6 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,
7 describing, reflecting, or referring to in any way.

8 7. The singular shall include the plural, the use of the masculine gender shall
9 include the feminine gender, and vice versa, whenever the context reasonably allows or
10 requires such construction. "And" and "or" mean "and/or" whenever the context
11 reasonably allows such construction.

12 DATED this 21st day of October, 2003.

13 PRESTON GATES & ELLIS LLP

14
15 By 
16 Thomas E. Kelly, Jr., WSBA # 05690
17 Robert B. Mitchell, WSBA # 10874
18 Attorneys for PREMERA and
Premera Blue Cross

19 **REQUESTS FOR PRODUCTION**

20 **REQUEST FOR PRODUCTION NO. 1:**

21 For each person whom You expect to call to testify as a consultant or as an expert
22 witness, for whom You will be submitting pre-filed testimony, or whose opinions you
23 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion
24 Forums or for Your position regarding the Conversion Application (hereinafter, an
25 "Expert" or "Your Expert(s)"), please produce (a) a current resume or curriculum vitae,
PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 4

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 (b) a copy of all engagement letters or memoranda regarding the Expert's engagement; (c)
2 a statement of the compensation paid and to be paid to the Expert or his company; (d) all
3 publications authored by the Expert from January 1, 1990 to the date of response to this
4 Request (hereinafter, "to present"); (e) a list of all matters in which the Expert has, during
5 the time period from January 1, 1999 to present, either prepared an expert report or
6 testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition
7 or live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-
8 filed testimony, and declarations of the Expert from January 1, 1999 to present; and (g) a
9 copy of the transcripts of all depositions and testimony of the Expert from January 1, 1999
10 to present.

11 RESPONSE:

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15 **REQUEST FOR PRODUCTION NO. 2:**

16 Please produce all final reports, surveys, memo or other papers prepared by, or
17 under the supervision of, each person whom You expect to call to testify as a consultant or
18 as an expert witness, for whom You will be submitting pre-filed testimony, or whose
19 opinions you otherwise intend to present or rely upon for the Conversion Hearing or the
20 Conversion Forums or for Your position regarding the Conversion Application.

21 RESPONSE:
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1 **REQUEST FOR PRODUCTION NO. 3:**

2 Please produce (a) the resumes of each person whom you expect to call as a non-
3 expert witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all
4 notes, drafts or other documents prepared by each such Non-expert Witness constituting,
5 regarding or related to Your position or his/her position regarding the Conversion
6 Application; and (c) each document that each such Non-expert Witness is expected to
7 discuss in his/her testimony at the Conversion Hearing.

8 **RESPONSE:**

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12 **REQUEST FOR PRODUCTION NO. 4:**

13 Please produce (a) all drafts of all reports, surveys, memos or other papers
14 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion
15 Hearing or the Conversion Hearing Forums or for Your position regarding the Conversion
16 Application; (b) all correspondence, emails, documents or other communication to and
17 from you and each such Expert regarding the Conversion Application or the Conversion
18 Hearing or Conversion Forums, or the drafting or preparation of any such report surveys,
19 memos or other papers; (c) all correspondence, emails, documents or other
20 communications internal to the Washington State Medical Association regarding the
21 Conversion Application or the Conversion Hearing or the Conversion Forums; (d) all
22 correspondence, emails, documents or other communications sent by the Washington
23 State Medical Association to its members or received by it from its members regarding the
24 Conversion Application or the Conversion Hearing or the Conversion Forums; and (e) any

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PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 6

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 675-7022

1 other documents of any other documents regarding or related to the Conversion
2 Application or the Conversion Hearing or the Conversion Forums.

3 RESPONSE:

6 REQUEST FOR PRODUCTION NO. 5:

7 Please produce all correspondence, emails, documents or other communication to
8 and from You and: (a) any of the Intervenors, or any of the other Intervenor Groups, or
9 any of the attorneys for any of the Intervenors or the other Intervenor Groups, or any of
10 the consultants or experts for any of the Intervenors or the other Intervenor Groups or their
11 attorneys; (b) any one on the OIC Staff, or (c) any one on the State of Alaska Division of
12 Insurance staff. The time period for this request is from January 1, 2002 to the present.

13 This request includes, but is not limited to, any correspondence, emails, documents
14 or other communications between any officer, director, employee, attorney, agent or
15 lobbyist of the Washington State Medical Association and any officer, director, employee,
16 attorney, agent or lobbyist of the Washington State Hospital Association or of the
17 Association of Washington Public Hospital Districts.

18 RESPONSE:

22 REQUEST FOR PRODUCTION NO. 6:

23 As set forth in the Commissioner's Fourth Order, the Washington State Medical
24 Association was to raise its concern "about reimbursement levels to providers from

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PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 7

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
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SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 Premera, which could have an effect on the adequacy of providing networks serving the
2 insured public.”

3 Please produce all documents -- other than those produced by Premera to the OIC
4 Staff -- in Your possession or under Your control that constitute, reflect or refer to (a) the
5 reimbursement levels to providers from Premera or (b) “any effect on the adequacy of
6 providing networks serving the insured public that is, or may be, attributable to those
7 reimbursement levels” or (c) any projections regarding the reimbursement levels to
8 providers from Premera.

9 The documents to be produced should include, but not be limited to, all those
10 regarding the future of reimbursement levels, whether or not Premera is authorized to
11 convert (e.g., comparisons of the future levels of reimbursement if Premera converts and
12 if it does not convert).

13 RESPONSE:

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16 REQUEST FOR PRODUCTION NO. 7:

17 Please produce all documents -- other than those produced by Premera to the OIC
18 Staff -- in Your possession or under Your control that constitute, reflect or refer to any
19 data, from January 1, 1999 to present, regarding (a) the reimbursement levels to providers
20 from Regence Blue Shield or (b) “any effect on the adequacy of providing networks
21 serving the insured public that is, or may be, attributable to those reimbursement levels
22 from Regence Blue Shield” or (c) any projections regarding the reimbursement levels to
23 providers from Premera.

24 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 8

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7027

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3 **REQUEST FOR PRODUCTION NO. 8:**

4 Please produce all documents -- other than those produced by Premera to the OIC
5 Staff -- in Your possession or under Your control that constitute, reflect or refer to any
6 data, from January 1, 1999 to present, regarding (a) the reimbursement levels to providers
7 from any other health insurer (other than Premera and Regence Blue Shield) or (b) any
8 effect on the adequacy of providing networks serving the insured public that is, or may be,
9 attributable to those reimbursement levels from each such other health insurer.

10 **RESPONSE:**
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14 **REQUEST FOR PRODUCTION NO. 9:**

15 Please produce all documents -- other than those produced by Premera to the OIC
16 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from
17 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,
18 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other
19 document, data or information prepared by or provided to any of Your members, officers,
20 directors, employees, attorneys, agents, or lobbyists, regarding the response to, or plan
21 regarding, or reaction to: (a) Premera's conversion from a non-profit to a for-profit
22 company or (b) reimbursement levels if Premera converts from a non-profit to a for-profit
23 company.

24 **RESPONSE:**
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PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 9

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7927

1
2 **REQUEST FOR PRODUCTION NO. 10:**

3 Please produce all documents -- other than those produced by Premera to the OIC
4 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from
5 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,
6 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other
7 document, data or information prepared by or provided to any of Your members, officers,
8 directors, employees, attorneys, agents, or lobbyists, regarding: (a) any claim or allegation
9 regarding Premera having any market power¹ in regard to charging above-competitive
10 premiums to its insured in (i) the State of Washington or any county therein and/or (ii)
11 Eastern Washington (east of the Cascade Mountains) or in any county in Eastern
12 Washington and/or (iii) Western Washington (west of the Cascade Mountains) or in any
13 county in Western Washington; (b) any claim or allegation regarding Regence Blue Shield
14 having any market power in regard to profitably charging above-competitive premiums to
15 its insured in (i) Washington or any county therein and/or (ii) Eastern Washington or in
16 any county therein an/or (iii) Western Washington or any county therein; (c) any claim or
17 allegation regarding Premera having any market power in regard to profitably offering
18 below-competitive reimbursements to its health care providers in (i) Washington or any
19 county therein and/or (ii) Eastern Washington or in any county therein an/or (iii) Western
20 Washington or any county therein; (d) any claim or allegation regarding Regence Blue
21 Shield having any market power in regard to profitably offering below-competitive
22 reimbursements to its health care providers in (i) Washington or any county therein and/or
23 (ii) Eastern Washington or in any county therein an/or (iii) Western Washington or any

24 ¹ For purpose of this Document Request, "market power" is defined as the ability to
25 control prices and exclude competition.

1 county therein; (e) any hospital(s) in Eastern Washington or in any county in Eastern
2 Washington having any market power in regard to profitably obtaining above-competitive
3 reimbursements from health care insurers; or (f) any physician(s) or physician group(s) in
4 (i) Washington or any county therein and/or (ii) Eastern Washington or in any county
5 therein an/or (iii) Western Washington or any county therein having any market power in
6 regard to profitably obtaining above-competitive reimbursements from health care
7 insurers.

8 RESPONSE:
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PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 11

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7372

1
2 RESPONSES DATED this ____ day of November, 2003.

3 Coopersmith Health Law Group

4
5 By: _____
6 Jeffrey Coopersmith, WSBA No. _____
7 Lead Attorneys for the Washington State Medical
8 Association, an Intervenor Group herein

9 ATTORNEY CERTIFICATION

10 The undersigned attorney for the Washington State Medical Association
11 ("Association"), has read the foregoing Document Requests and the Association's
12 Responses thereto, and hereby certifies that each of the Responses are in compliance with
13 CR 26(g).

14 DATED this ____ day of November, 2003.

15 Coopersmith Health Law Group

16
17 By: _____
18 Jeffrey Coopersmith, WSBA No. _____
19 _____
20 Lead Attorneys for the Washington State Medical
21 Association
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PREMERA'S AMENDED FIRST SET OF
DOCUMENT REQUESTS TO THE WASHINGTON
STATE MEDICAL ASSOCIATION - 12

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7077

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I am a representative of the Washington State Medical Association (“Association”), an Intervenor Group herein, and have been authorized by it to sign this Verification Declaration. I have read the foregoing Requests for Production and the Association’s Responses thereto, know the contents thereof, and state that those Responses are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this ____ day of November, 2003, at Seattle, Washington.

[Print name] _____
[Title] _____
Authorized Representative of the Washington
State Medical Association

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

In the Matter of the Application
Regarding the Conversion and
Acquisition of Control of Premera Blue
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO THE WASHINGTON STATE MEDICAL ASSOCIATION**

2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:

Service Perfected By:

Carol Sureau
Deputy Insurance Commissioner
Office of the Insurance Commissioner
5000 Capitol Boulevard
Tumwater, WA 98501

☐ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☐ By Facsimile
☐ By E-Mail

P.O. Box 40255
Olympia, WA 98504-0255

(Original & 4 plus 1 Electronic by E-Mail)

John F. Hamje
Legal Affairs Division
Office of the Insurance Commissioner

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service

CERTIFICATE OF SERVICE - 1

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5000 Capitol Boulevard
Tumwater, WA 98501

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☐ By E-Mail

P.O. Box 40255
Olympia, WA 98504-0255

Melanie C. deLeon
Assistant Attorney General
Office of the Attorney General
1125 Washington Street S.E.
P.O. Box 40100
Olympia, WA 98504-0100

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☐ By Overnight Delivery
☐ By Legal Messenger Service
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☒ By Facsimile
☐ By E-Mail

Amy McCullough
James Davis
Alaska Legal Services
Corporation
1016 West 6th Avenue, Ste. 200
Anchorage, AK 99501

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☐ By Overnight Delivery
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Mr. Richard E. Spoonemore
Sirianni Youtz Meier & Spoonemore
1100 Millennium Tower
719 Second Av., Suite 1100
Seattle, WA 98104

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John Midgley
Columbia Legal Services
101 Yesler Way, Suite 300
Seattle, WA 98104

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☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

Michael Madden
Michael S. Shachat
Bennett Bigelow & Leedom, P.S.
1700 Seventh Avenue, Suite 1900
Seattle, WA 98101

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☐ By Overnight Delivery
☐ By Legal Messenger Service
☐ By Hand Delivery
☒ By Facsimile
☐ By E-Mail

Jeff Coopersmith
Coopersmith Health Law Group
1325 Fourth Avenue, Suite 1740

☒ By United States Mail
☐ By Overnight Delivery
☐ By Legal Messenger Service

CERTIFICATE OF SERVICE - 2

1 **Service To:**

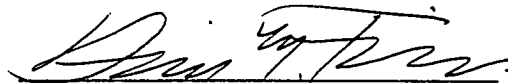
Service Perfected By:

2 Seattle, WA 98101
3 **ORIGINAL & COPY**

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[X] By Facsimile
[] By E-Mail

4
5 I certify under penalty of perjury under the laws of the State of Washington that
6 the foregoing is true and correct.

7 DATED this Tuesday, October 21, 2003.

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9 Dennis M. Tessier
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25

CERTIFICATE OF SERVICE - 3

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